Liberty

INTRODUCTION

This chapter explores some of the ways in which liberty was conceptualised in the ancient world, framing its investigation around some of the conceptual deities who embodied this notion in ancient Mediterranean societies. The analysis of these cults and their cultural symbols, embedded in their historical contexts, will enable to shed light on the emergence and affirmation of distinct conceptions of liberty in the ancient world. Focusing mainly on the cults of Zeus Eleutherios, Jupiter Libertas, Dionysios Lyaeus and Liber, it sketches some of the main historical moments when these distinct conceptualisations of liberty became prominent in the Graeco-Roman world. Far from embodying quintessential archetypal types, these deities, and the ideas they represented, were constantly reinterpreted and modified to articulate new conceptions of liberty. These notions, which differed in the identification of the interfering of agent, of the subject enjoying liberty, or even in the actual conceptualisation what it meant to be free, were elaborated at important moments for the developments of democracy and democratic thinking.

ZEUS ELEUTHERIOS and LIBERTY AS ABSENCE OF ARBITRARY INTERFERENCE: GREECE and THE EASTERN MEDITERREAN CONTEXT

An excavation of a Byzantine church in the city of Hattusa in 1983 revealed a bilingual poem in Hittite and Hurrian, known as the 'Song of Release' or, better, the 'Song of Liberation.'

Probably developed by the captives of the Syrian campaign, this poem was composed in Hurrian in the wake of the destruction of Ebla (city south-west of Aleppo) and eventually recorded in the bilingual edition in about 1400 BC (Bachvarova 2005 and 2016; von Dassow 2013 and 2018). In this poem, which provides a theological explanation for the destruction of Ebla, the god of storm, Teššub, asks the king and the senate of Ebla to liberate the city of Igingalliš. The god cannot tolerate the injustice that arises from holding men in an unlimited condition of slavery, as, it seems, the city of Ebla is keeping the people of Igingalliš. The senate of Ebla responds that, if the people of Igingalliš are freed, the people of Ebla (and especially the notables of the city) will no longer have their personal slaves: 'If we release them, who would serve us?/They are cupbearers, waiters, cooks, and dishwashers/(reverse) The spinning

… /If you want a release, release your (own) slave, /release your (own) slavewoman' (ll. 26-8 and reverse 1-3, Van Dassow 2013).

The poem appears to establish a conceptual analogy between the condition of slavery of the whole people of Igingallis and that of their individual citizens. Describing the loss of political liberty of the community of Igingallis, the author(s) of the poem adopted the same negative notion of liberty as a status of non-slavery as they adopted in describing the loss of personal and juridical liberty on the part of the individual citizens of the community. It follows that the meaning of possessing or losing political liberty for the whole community was conceptualised in the same terms as the enslavement of an individual.

The political liberty that the god Teššub demanded for Igingalliš consisted in the restoration of these people to their original state before subjugation, political autonomy, where they would not work in service of others but rather of themselves and their own community. In these communities of Levant in the late Bronze Age, the idea of liberty was equated to the notion of serving their own state, the ability to serve the polity by providing one's own share of wealth and labour to support the working of its legitimate form of government. There, kingship, the prevalent form government, directly interfered with the lives of its subjects by guaranteeing those civic and property rights without which they could not have been free, that is they could not have served the state (Van Dassow 2018. See Chapter 1 on the tensions between kings and communities as a precursor to democracy).

The injustice of the predicament of slavery both of individual citizens, highlighted in the context of debt-bondage, and of entire communities, often as result of conquest, and the divine outrage that this may cause, found its echoes in Jewish prophecy as well as in archaic Greek poetry. They attest the conceptualisation of liberty of the individual as well as of the community as a notion elaborated around its antonym of slavery: to be free meant not to be a slave, that is, to be one's own master.

Thus the prophet Jeremiah warned the Judeans that their unjust enslavement of their fellow citizens had brought divine vengeance upon them (Jeremiah 34: 11-22; cf. Isaiah 61.1), as the Judeans revolted against Babylonian control (587/6 BC). Thinking of liberty (*dĕrōr*) as the original, natural, status of non-slavery, to which the declared remission of debts should return the Judeans, Jeremiah delivers an oracle in which Yahweh accuses those Judeans who have yet again enslaved their fellow citizens of disobedience, and prophesies war, plague and famine (Jeremiah 34.17). In Leviticus 25, reformulating earlier traditions

about liberty as the remission of debts and the release of those in debt-bondage, the idea of liberty was also predicated on the periodical ratification of cancellation of debts (Exodus 21; Deuteronomy 15:1–18; see discussion in Stökl 2018). In these passages, however, where the absence of slavery yielded a return to a state conform to divine will, liberty was understood not only as a status of non-slavery, but also as the ability to comply with God's wishes.

The exploitative treatment of the many (poor) by the few (rich), the resulting unjust condition of debt-bondage, and the ensuing divine outrage were tropes in circulation in contemporary Mediterranean societies which yielded to a common articulation of liberty as absence of slavery (van Dassow 2018).

In his poems, sung at symposia, the sixth century BC Athenian politician Solon articulated this negative notion of liberty in its formulation as a status of non-dependence on the arbitrary will of both a master and a tyrant.

Although, in the preserved texts, only once Solon explicitly equates the slavery of the people with their subjection to tyranny, in many elegies (especially 4 West and 36 West), he alludes to his programme of *seisachtheia*, the 'shaking off of burdens,' in which, according to Plutarch, he acted to 'set free the condemned debtors, divide the land anew, and make an entire change in the form of government.' (Plut. *Sol*. 13).

In his poems, Solon frames his reforms, which have often been identified as the beginning of Athenian democracy (Cartledge 2016), within the dichotomy of slavery and liberty:

'before, Earth was in bondage, now she is free/

And of the citizens whose persons had been seized for debt,

some he brought back from foreign lands,

/uttering no longer Attic speech,/

So long and far their wretched wanderings;/

And some who here at home in shameful servitude/

Were held"/

he says he set free.' (Solon fr 36.1-17 West ap. *Ath. Pol*. 12.4; Plut. *Sol*. 15.6; cf. fr. 4.23-5. See Rhodes 1981: 90-7.[1]

Although the exact nature of Solon's reforms has been debated since antiquity, it seems that he liberated those who had been enslaved for debts, banned loans on security of the person, de facto abolishing the outright enslavement of defaulting debtors, and cancelled the obligations of tenant farmers (*ektemoroi*) to pay the landlord a sixth of their produce (Harris 2006; Rhodes and Leaos 2012). Enacting these reforms, which liberated, as he puts it, the individual citizen from a status of slavery, Solon framed his social and economic reforms within a wider moral and cosmological context. If, as Solon said (fr. 4 West), Lawfulness (*Eunomia*), who symbolises the orderly state of civic affairs, is prevented from acting in the city by the greed and arrogance of the wealthy, the goddess Justice will turn against the city and will exact vengeance by enslaving the whole community and its individual members (Ostwald 1969: 64-9). This loss of liberty will affect both the city, which, subjected to the domination of either a tyrant or a group of people, will be distressed by internal struggles, and the citizens, who, having given their person as security on a loan, will be enslaved and sold abroad.

Less than a century later, this articulation of liberty found expression in the Greek cult of Zeus Eleutherios. This cult is first attested in Plataea, where it was established after the famous battle in 479BC. 'Roughly at the entrance into Plataea', Pausanias observes in the second century AD, 'are the graves of those who fought against the Persians,,, the Lacedaemonians and Athenians who fell have separate graves, on which are written elegiac verses by Simonides. Not far from the common tomb of the Greeks is an altar of Zeus, God of Freedom. . . . Even at the present day they hold every four year games called Eleutheria (Of Freedom)' (9.2.5; see also Strabo 9.31). Here, Zeus was celebrated as the god who had saved the liberty of Greece from the external domination of Persia. As Simonides celebrated in his epigram on the Spartan tomb: 'having driven out the Persians; they raised an altar to Zeus, the free man's god, a fair token to freedom for Hellas' (Bergk 140).

The liberty of the community, as this foundation of the cult attests, came to be articulated metaphorically along the same lines as the liberty of the individual from the arbitrary will of a

[1] For a different reading of Solon Fr. 36 West see Noussia-Fantuzzi 2010: 455-85

master: a community was free when it had the power to conduct its affairs unobstructed by the arbitrary interference of a foreign power. [2]

Within the same conceptualisation of liberty, from the 479BC onwards the cult of Zeus Eleutherios came to embody also the notion of liberty from domestic tyranny.

According to Herodotus, perhaps reflecting the conceptual world of the fifth century rather than the historical reality of the sixth century, in 522BC this cult was introduced in Samos by Maiandrios, the appointed vicegerent of the tyrant Polycrates. After the death of the tyrant, Maiandrios established the cult of Zeus Eleutherios and proclaimed both *eleutheria* (liberty) and *isonomia* (in this context, sharing of equal power). However, faced with the hostility of the Samian elite, Maiandrios and his brother Lycaretus opted to preserve tyranny, as it would seem, Herodotus comments, that the Samians 'had no desire for freedom.' (3.143).

The same cult of Zeus Eleutherios was introduced in Syracuse after the tyrant Thrasyboulos was overthrown in 466/5BC. According to the later historian Diodorus Siculus, after liberating their own and other Sicilian cities, and re-establishing democracies, the Syracusans voted to establish this cult and celebrate it with a festival and games (Diodorus Siculus 11.68-72).

Providing an etiological explanation for the introduction the cult of Zeus Eleutherios in Athens in the second half of the fifth century, the Greek grammarian Dydimus, who lived in the second half of the first century BC, stated that the epithet Eleutherios derived from the idea of liberation from the Persian threat (*Etym. Magn., Suda, s.v. Eluetherios*, Wycherley 1957, n. 25-30; on the cult in Athens cf. Paus. 1.3.2; 10.21.5). Resistance against Xerxes had been, and was long commemorated as, a collective enterprise where the whole community had come together as a political entity to reject the domination by a foreign power. Around this time, according to Raaflaub (2004), the notion of liberty embodied by this cult came to assume a strong political connotation and, as attested by these new cults, the idea of the absence of tyrannical rule.

[2] Interestingly, according to Hypereides' aetiology, Zeus gained the epithet Eleutherios when *exeleutheroi*, that is freedmen or liberated people, founded his cult in Athens (Harpocr. s.v. *Zeus Eleutherios*, Wycherly 1957 n. 27). Although scholarly consensus converges on disregarding its historical validity, this aetiology brings to the fore the conceptualisation of liberty as a status characterised by the absence of a master.

According to this reconstruction, therefore, the epithet Eleutherios indicated the idea of liberty of the whole civic and political community, conceptualised as the absence of arbitrary interference by a foreign power or a domestic individual, who asserted power over the rest of the community.

This notion found its most powerful visual representation in the statuary group of the so-called tyrannicides. In 514BC, at the celebration of the Great Panathenaea, two Athenians, Harmodius and Aristogiton, killed the tyrant Hipparchus and were in turn killed (Hdt. 5.56; Thuc. 6.57). Although Hippias, the brother of the tyrant, continued to rule until 510 BC, the tyrannicides came to be mythologised: 'in the collective memory of the Athenians the murder of Hipparchus progressively became the very symbol of the struggle against tyranny and the fight for liberty' (Azoulay 2017: 3).

In the fifth century Harmodius and Aristogiton were celebrated in a statuary group erected in the Athenian Agora, the focus of the city's political life. The original statues, sculpted by Antenor in a period between the exile of Hippias in 510BC and the capture of the city by the Persians in 480 BC, were taken by Xerxes to Susa (and returned to Athens probably at the end of the fourth century), and replaced by a second group sculpted by Critius and Nesiotes in 477-6 BC. Their story became linked with the concept of liberty itself. In the first century AD, Pliny established an important synchronism between the erection of these statues and the establishment of *libertas* in Rome: 'I rather believe that the first portrait statues officially erected at Athens were those of the tyrannicides Harmodius and Aristogeiton. This happened in the same year as that in which the kings were also driven out at Rome.' (Plin. *N.H*. 34.9.17).

The significance of the deeds of the tyrannicides and of their statuary group changed between the reforms of Cleisthenes and the end of the Peloponnesian War (Fehr 1984; Azoulay 2017). Initially a symbol of liberty against the tyranny of the Pisistratids, after the second Persian war they came to represent the struggle for freedom against the foreign oppressor. In the years that followed, when tyranny was no longer a widespread political reality, but acted as an ideological foil representing the true negation of all democratic values (Aristoph. *Wasps*, 488-502), the statues of the tyrannicides became one of the most powerful symbols of democracy and almost an emblem of Athenian civic identity.

The shared value of liberty they represented was also enacted and reinforced by the song, recited at private symposia, which celebrated their deed. At these banquets, where members of the elite and, perhaps, as recently argued, also the hoplites (Jones 2014), celebrated their

equality, a drinking song in honour of the tyrannicides was sung, the famous *skolion* of Harmodius (Ostwald 1969: 121-36; Lambin 1992: 215-311). In the last line of the last stanza reported by Athenaeus (15.694f), Harmodius and Aristogeiton are said to have 'made the Athenians politically equal (*isonomoi*).' In this song, which became an ingrained component of Attic culture (Dem. *On the false embassy* 19.280 with rhetorical emphasis), the tyrannicides were celebrated as those who had first established equality before the law as well as 'the right to equal shares in magistracies and responsibilities' (Tjomas 1989: 258-60; Raaflaub 2003; *contra* de Ste. Croix 1981: 285. For discussion Vlastos 1953; Vlastos 1964: 1ff; Ostwald 1969: 96ff and 137ff.).

Models to be venerated in Rhodes, emulated at Eretria and Ilium, (on Rhodes Val. Max. 2.10, ext. 1; on Eritrea Knoepfler 2002 203, ll. 6-10; on Ilium *Syll.*³ 284; *I. Erythrai* 503), and celebrated in epigrams in Chios (SEG XVI, 497 and XVII, 392 and Azoulay 2017: 136-8), the tyrannicides came to represent as well as enact a conception of liberty as a status characterised by the absence of subjection to the arbitrary will of a tyrant throughout the Mediterranean.

In the first century BC, a copy of the statues was set up in Rome on the Capitol. As the Romans of the late Republic were familiar not only with the story of Harmodius and Aristogiton (Cic. *Tusc*. 1.49.116; *Mil*. 80; Plin. *N.H*. 34.9.17), but also with its political significance, the erection of this statuary group near the temple of Jupiter Maximus and the statue of Lucius Iunius Brutus (who had defeated the tyrant Tarquinius Superbus (Plut. *Brut*. 1.1) on the Capitol was a powerful political statement. The events which this installation commemorated are unknown; the erection of the statues may have celebrated the murder of Caesar in 44BC by Brutus and Cassius, arguably, the two Roman tyrannicides, as Christa Landwehr (1985: 76ff.) has argued, Scipio Nasica's murder of Tiberius Gracchus, commemorated by his descendent Metellus Scipio in 52BC (Cic. *Att*. 6.1.17), as Filippo Coarelli (1969) has suggested, or even, following Reusser (1993) and Azoulay (2017), Sulla's liberation of Rome from the tyranny of Marius and Cinna (App. *b.c.* 1.57.253) and his restitution of liberty to Athens. Whatever the circumstances of their installation, the presence of the statues of Harmodius and Aristogiton on the Capitol in Rome reinforces an articulation of liberty as a status opposed to the domination of a tyrant over a community.

Although the Hurranian-Hittite 'Song of Libertation', the prophesy of Jeremiah, the elegies of Solon, the worship of Zeus Eleutherios, and the cult of the Athenian tyrannicides belong to different historical contexts, they all shared the same conceptualisation of liberty as a status characterised by the absence of arbitrary interference by an external agent, be it a

master, a tyrant, or a foreign power. Within this conceptualisation of liberty, however, two important components varied: first, the nature of the interfering power, be it an individual (either in his capacity of slave-master or tyrant) or of a whole community (as the case of a foreign power); second, the subject enjoying liberty, being either an individual or a whole community. However, what remained unaltered was the principal understanding of liberty as a status of non-dependence on the arbitrary will of someone else or a group.

From about the first half of the fifth century BC, this idea of political liberty from tyrannical mastery, which was shared by all members of the community -as it could be achieved under any form of constitution that distributed power to more than one individual – came to be articulated into a specifically democratic notion of liberty.

No longer exclusively liberty from arbitrary interference, liberty became power: power of the people to rule, by virtue of their election into office as well as of their participation in the decision making process, and power of the individual to do as one wishes.

For those middle groups which had gained political status by the time of Cleisthenes, the idea of liberty as a value to support an argument for political control became crucial (Raaflaub 1983: 527). A couple of generations later, in the second half of the fifth century, we find this notion of democratic freedom first attested in the pseudo-Xenophontic '*Constitution of the Athenians*' and the *Histories* of Herodotus. Alongside this notion, a new term, closely linked to democracy, also appeared: *parrhesia*, liberty of speech, which first flanked and then overshadowed the old notion of *isegoria*, equality of speech in political discourse. Although *parrhesia* conceived as liberty of speech has been often understood as one of those fundamental rights that guaranteed the democratic liberty of the people, scholarly consensus has now been gathering around an understanding of *parrhesia* not so much as an inalienable right of free speech, but rather as 'frankness', understood as one of the main attributes of citizenship, carrying with it both duties and rights (Wallace 1993 and 2004; Carter 2004, Liddel 2007; Kostan 2012).

As the author of the '*Constitution of the Athenians*' writes, 'the people do not want a good government under which they themselves are slaves; they want to be free and to rule' ([Xen.] *Ath. Pol*. 1.8). What interests the people, in this analysis, is holding absolute control over political power; only this control will render them free. Only through the full exercise of political power, which transforms the people (*demos*) into a monarch, can liberty be achieved. Euripides makes the mythical Athenian king Theseus state in the *Suppliants*, 'I have established

the people in the position of a monarch and made this city free by giving it equal votes' (Eur. *Suppl*. 352f.; see also Chapter 1).[3]

Power and liberty were closely linked in democratic thought. While for the oligarchs power was simply an ancestral right, almost a natural component of their position in society, for the democrats, although occasionally attractive in its own right, power was mostly the essential precondition for the liberty of political community (Raaflaub 1983: 526). By guaranteeing the political participation of all citizens, by virtue of holding offices in turn and exercising their right to vote, power of the people (*demos*) within and without the community enabled them to be free. As Raaflaub put it, 'to rule over others was not only compatible with, but even became an indispensable precondition for, complete freedom.' (Raaflaub 1983: 526 n.41).

As in the mid-fourth century BC Aristotle famously elaborated:

> 'the basis of a democratic state is liberty; which, according to the common opinion of men, can only be enjoyed in such a state; this they affirm to be the great end of every democracy. One principle of liberty is for all to rule and be ruled in turn, and indeed democratic justice is the application of numerical not proportionate equality; whence it follows that the majority must be supreme, and that whatever the majority approve must be the end and the just. Every citizen, it is said, must have equality, and therefore in a democracy the poor have more power than the rich, because there are more of them, and the will of the majority is supreme. This, then, is one note of liberty which all democrats affirm to be the principle of their state. Another is that a man should live as he likes. This, they say, is the privilege of a freeman, since, on the other hand, not to live as a man likes is the mark of a slave. This is the second characteristic of democracy, whence has arisen the claim of men to be ruled by none, if possible, or, if this is impossible, to rule and be ruled in turns; and so it contributes to the freedom based upon equality.' (*Pol*. 6.2.1317a ff.).[4]

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[3] See also Aesch. *Suppl*. 605; 699; Eur. *Cycl*. 119; id., *Suppl*. 406; Aristoph. *Knights* 111 ff.; Thuc. 4.86.4f., 8.68.4, 71.1

[4] Cf. Thuc. 2.37.2; 7.69.2. On the idea of liberty as living as one likes see Cohen 1991: 229-30; 1995: 54-55; Wallace 1994 and 1996. As adopted by detractors of democracy see, for

Thus, according to the supporters of democracy, the equal participation of all citizens in deliberation in council and assembly as well as the taking turns in holding offices would have guaranteed the political liberty of the community and, consequentially, the opportunity of the individual to conduct his life arbitrarily unobstructed in the pursuit of his own ends. In this conception of liberty, guarantees of individuals' active political involvement are essential to achieving the collective rule of the whole citizen body, which alone can secure the collective liberty of the whole community (Raaflaub 2004; Liddel 2007; Balot 2009).

JUPITER LIBERTAS and LIBERTY AS ABSENCE OF ARBITRARY INTERFERENCE: ROME

The temple of Jupiter Libertas on Rome's Aventine hill was dedicated by the plebeian aedile Tiberius Sempronius Gracchus in 246 BC, possibly to celebrate a triumph over the Carthaginians. This cult which, according to some scholars, might have reached Rome from Syracuse during the Second Punic war, was an interpretation of the Greek cult of Zeus Eleutherios in a different semantic system and open to Italic influences.[5]Although the Roman cult was more than a direct translation of the Greek one, the two cults shared some features, including the embodiment of liberty as antonym to slavery.

This notion of *libertas* in Rome found its clearest symbolic expression in the *pilleus*, the hat worn by newly freed slaves, which featured prominently in the imaginary of the temple. It served as a sign of emancipation and release from dependency, while providing a visible reminder of past enslavement. Its metaphorical meaning was immediately intelligible to Romans, and it shaped and propagated the notion of *libertas* as a status opposed to slavery (Arena 2012, 30-43).

As a denarius issued by C. Egnatius Maxsumus around 75 BC suggests, the cult-statue of Libertas itself, now lost, may have worn a *pilleus*, On the reverse, the coin pictures a distyle temple with two figures; corresponding with them, above the temple's architrave are

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example, Plato *Rep*. 8.557b-8c, 562b-4a with discussion in Hansen 1989, 1996, 1999 and Liddel 2007

[5] *RGDA* 19: *ναοὺς …Διὸς Ἐλευθερίου ἐν Ἀουεντίνωι … // aedem … Iovis Libertatis in Aventino,*; CIL I², pp. 214 and 330.

portrayed a thunderbolt and a *pilleus*, the attributes of the two divinities in the temple, identifying them as Jupiter and Libertas. The *pilleus* was the first symbolic representation of liberty encountered by visitors to the temple. From the end of the second century BC, its walls were adorned by a fresco, most probably still visible in the late Republic, which represented a joyful feast to celebrate the victory over the Carthaginians in the battle of Beneventum. In the fresco newly freed and enfranchised soldiers, wearing the *pilleus* or the wooden headbands, feasted either standing or on couches according to the bravery shown in battle. Here to the eyes of everyday visitors the image of the *pilleus* represented the requirement of virtuous behaviour that accompanied the acquisition of Roman freedom.

This understanding of liberty was formulated in the juridical texts of the imperial era: those who were free, either by birth or by manumission, they state, possessed the natural ability to do whatever they wish, as they were not under the *dominium* of someone else (*Dig*. 1.5.3-6.). In Philip Pettit's well-known formulation, *libertas* in Rome was understood as a status of 'non-domination', in which one was free *qua* living in a condition devoid not simply of actual interference, but of the *possibility* of interference (Pettit 2002: 339–56; Laborde and Maynor 2008). No individual could ever be free in a state of domination, however kind their master might be: it would always be the master's prerogative to revoke unilaterally any concession that he might have granted, leaving the subjected individual unable to conduct his life as he wished, at the mercy of somebody else.

Since, in Roman juridical discourse, slavery was the status of dependence on the arbitrary will of another person or groups of persons, it follows that the Romans too, conceiving political liberty by means of the metaphor of slavery, conceptualised it as a status of non-subjection to the arbitrary will of another person or group of persons, and analysed its loss in terms of falling into a condition of slavery.

The ability to avoid this fall, and to preserve the status of political *libertas*, was dependent on two main factors: first, the constitutional arrangements of the commonwealth, which guaranteed the distribution of power to more than one individual/institution, and second, the civic status of Roman citizens. In late Republican Rome, this status was achieved by a matrix of rights (*iura*) that constituted the institutional means by which Romans could live and pursue their freely chosen goals unobstructed by magistrates or groups wielding political power. These were the rights to *suffragium*, *provocatio*, all the powers of the tribunes of the plebs (*auxilium*, *intercessio* and the *ius agendi cum plebe*), and the rule of law, which by the first century BC had become universally accepted as the essential means of

protecting citizens from arbitrary coercion or interference. Not only did laws guarantee these rights for all Roman citizens on the same basis, but also, at least in principle, they embodied the direct expression of the people's will, thereby enabling citizens to conduct their lives according to their own wishes (*Rhet. Her*. 2.13.19: 'a statute law is what is sanctioned by the order of the people.' See Arena 2012: 62-72 with references). Thus, laws enacted by the whole citizenry and expressing the common good allowed the members of the community to live according to their own will, thereby placing the Roman citizens and the Roman commonwealth in a state of liberty. Upholding the rule of law preserved this status of liberty (cf. Forsdyke 2018 on the rule of law in Greece). If this was not the case, the citizens would be exposed to the discretionary powers of those in command, and thereby placed effectively in a condition of servitude. 'We are all slaves of the laws', Cicero stated in his defence of Cluentius, 'in order that we may be free.' (Cic. *Cluent*. 146).

Unlike fifth-century BC Athens, in the Roman Republic laws guaranteed equal liberty to all citizens at a minimal level, protecting the right to vote of all adult male citizens, but not the right to govern. As Cato the Elder's fragment states: 'it is proper that we enjoy the same rights, law, liberty, and commonwealth (*iure, lege, libertate, re publica*); glory and honour only in so far as anyone had procured them for himself' (Cato fr. 252: Malcovati 1955: 96; see also Cic. *Phil*. 1.34).

Two rights were not included in those legal means that established the status of *libertas*: the right to speak freely and the right to economic independence, neither of which came to be recognised as formalised subjective rights in Republican Rome (Arena 2019 and Arena 2020).

Although individuals and perhaps the community were legally protected against slander, these laws aimed at protecting the receiver of the attacks, rather than establishing the right of an individual to express freely his opinion (Bur 2018; Arena 2020).

In a world where it could be legitimately said that liberty of speech was indeed a reality, liberty of speech was included in the overarching notion of *libertas*. However, the fact that liberty of speech could easily be interpreted as irreverent *licentia* makes it clear that freedom of speech was not conceived of as a right, since speaking up could not otherwise have been considered a sign of impertinence. As David Konstan (2012) argues in his study on the Greek notion of *parrhesia*, 'the exercise of a right cannot be considered an abuse of the right. *Parrhesia* in the democracy ought to be wholly positive.' In Rome the power to speak

freely was conceived not as a matter of right, but rather as the exercise of a personal ability, constitutive of human nature, that was regulated by contemporary social norms. This exercise could be considered as an act of free expression or, rather, of impudent slander according to how its use was judged in relation to the context. As Valerius Maximus shows (6.2.8), liberty of speech was understood as a virtuous quality, closely bordering its corresponding vice, rather than an action or field of actions that should be protected by law. One does not legislate on a moral quality of speaking freely no more than one does not legislate on the quality of being courageous (Arena 2020: 91).

Unlike other ancient societies, the right to one's economic independence too, whatever juridical form this may take (from protection of one's own work to protection of one's own property), does not appear as one of the fundamental rights, whose enshrinement in law would secure the liberty of an individual, but rather as one of its consequences (Arena 2019). The institution of the *peculium*, the financial allowance that a father gave a son in his *potestas* or a master gave his slave (be it either a sum of money, or a commercial business, or even a small property), shows that the line of demarcation between the status of *libertas* and the condition of economic independence was not so firm (on the *peculium*, see Gamauf 2016). Although technically the master's property, the *peculium* remained separate from the rest of the family patrimony. Slaves could increase it through business transactions, personal earnings due to their specialist skills, or even through borrowing, and, most interestingly, could use it to buy their own freedom.

Although later sources report that in the fifth and fourth century BC the debt-bondsmen (*nexi*) fought in the name of liberty against their subjection to the creditors, their successful struggle did not produce the right to protect their own work and property as one of the basic liberties of Roman citizens, but the establishment of the tribunate, an inviolable magistracy, open only to plebeians and endowed with the right to help (*ius auxilii*). Claiming the right to self-ownership, rather than the right to ownership of 'the external things of this world' (tangible property or the service provided by their own work; see Garnsey 2017), in our extant sources, they appear unable to distinguish between the abstract notion of labour, which should have been protected by law, and in turn would have guaranteed their liberty, and the labourers themselves (Finley 1973: 65-71). This inability, which found its roots in the Roman way of thinking about debts in terms of gift-exchange within a framework of relations of mutual *fides* (trust), made the issue of abolition of debt-bondage not a question of liberty, as in many other ancient societies, but one of trust and justice (Arena 2019).

As the status of liberty of Roman citizens was conceived along the lines of the juridical notion of *libertas*, so the liberty of the commonwealth was conceptualised in the same terms as the freedom of the individual citizen (Wirszbuski 1950: 5). As the loss of political liberty of the individual Roman citizen was analysed in terms analogous to those of falling into a condition of enslavement or servitude, so too the loss of liberty of a commonwealth was conceptualised and expressed in these same terms (Arena 2012: 73-168). Conceiving the absence of liberty of the commonwealth as a condition of domination, the Romans maintained that this could be lost under two distinct circumstances: first, in case a civic community falls into a condition of dependence on another community, usually as a result of conquest, as the case of Greece against the Persian threat. Second, and more importantly in the late Republic, they maintained that a civic community loses its liberty when it falls under the power or control of an agent distinct from the sovereign body of the citizens, be it either a monarch or a group of people.

In the late Republic, the *pilleus* continued to be a powerful cultural symbol of this liberty. In 43/2 BC Marcus Junius Brutus issued a coin (*RRC* 508/3), which on the reverse shows the *pilleus* between two daggers and, below, the legend EID·MAR. Framed explicitly in reference to the murder of Julius Caesar, the *pilleus* came to signify the notion of liberty as a status of non-slavery of the whole commonwealth, rather than the individual citizens (Clark 2007, 149-53; Arena 2012: 42-3). This conceptual shift of the dominion to which liberty was ascribed was effected by the juxtaposition of the legend and the daggers: the status of non-slavery of the commonwealth was guaranteed by the slaying of the tyrant, as Brutus had successfully styled Caesar. The liberty of the commonwealth required the elimination of a single individual, who had acted, in his opinion, as a *dominus* over the whole community. As Dio Cassius centuries later commented: 'Brutus stamped upon the coins which were being minted in his own likeness a cap and two daggers, indicating by this and by the inscription that he and Cassius claimed to have liberated the fatherland'. (47.25.3)

Regardless of the historicity of the events concerning the establishment of Republican liberty (Richardson 2011), in Roman collective memory the true founder of the Republic and defender of Roman *libertas* was Lucius Junius Brutus, ancestor, so he claimed, of Marcus Junius Brutus, and deposer of the last king of Rome (Nep. *Att*. 18.3; Cic. *Att*. 13.40.1 = SB 343; *Phil*. 2.26). Around 300 BC a bronze statue of Brutus was placed in front of the Temple of Jupiter Optimus Maximus on the Capitoline hill, among the images of the seven kings of Rome on the Capitol. This is where the statuary group of Harmodius and Aritogiton was later

erected, and to whom he must have been assimilated (as he was portrayed holding a drawn sword although, in the strict sense, he had not killed Tarquinius Superbus, Plut. *Brut.* 1.1. On the statues Weinstock 1971: 145–146; Evans 1990; Sehlmeyer 1999, 68–74; Coarelli 1999; Cadario 2006: 38–41). This statue was covered by graffiti which exhorted Marcus Brutus to emulate his alleged ancestor and liberate the commonwealth from the domination of the tyrant Caesar: 'if only you now lived, Brutus' and 'if only Brutus were alive' (Plut. *Brut*. 9.6; Suet. *Iul*. 80.3; cf. Dio 44.12.3 App. *b.c*. 2.112.469). In Rome, as in Greece, one of the fundamental conceptualisations of the liberty of the whole political community was its articulation as the antonym of slavery and required the absence of a tyrant.

Dionysos Lyaeus and Liber: Liberty as Becoming

In the second half of the sixth century BC, Dionysos was brought to Athens from Eleutherai, the border city of Boetia and Attica on the route from Thebes (Larson 2007: 132 on the eisagōgē of the god; see Paus. 1.2.5 and Demosth. *Meid*. 52). This Athenian Dionysos acquired the epithet of Eleutherios (the Liberator), and was venerated at a sanctuary on the south slope of the Acropolis, to which the theatre of Dionysos was attached and where performances in the honour of the god were enacted (on their relation with civic democratic ideology Goldhill 2000 with bibliography).

Most probably, however, the earliest worship of Dionysos in Attica owed much to Boetia and even Attic drama refers to Thebes as the centre in Greece of this religion (Farnell 1909: 114; most recently Larson 2007: 140 ff).In Thebes, as later on in Corinth and Sykion, the god was venerated with another epithet, Lysios (the Releaser), which described his function as 'looser', who promised to liberate his followers from all kinds of restraints, physical, emotional, and psychological (Paus. 9.16.6; Ath. 363b; Plut. Mor. 613c).[6] If Thebes was the prime epicentre that propelled the cult of Dionysos, the epithet Lysios must have been his primary appellation. Even if by the late fifth century *lyein*, loosing, and *eleutheroun*, liberation, may have been used interchangeably in Attica, it remains that, at still at the end of the sixth century, but most probably later too, Dionysos' epithet Lyaios indicated a

[6] Verssnel 1990, 139, 166, 193; and Leinieks 1996, 308-9, on the sanctuary of Dionysos Lyaios on Mt Tmolos in Asia Minor.

conceptualisation of liberty distinct from that articulated in the appellation Eleutherios, and it should not be subsumed under the idea of democratic liberty (Raaflaub 2000: 528; *contra* Connor 1989: 8; Leiniks 1996: 308-10; Cartldge 1997: 23-4).

The cult of Dionysos Lyaios was connected to the notion of fertility both in the human and the natural sphere. He was the god of wine and of the flourishing of vegetation: in Greek tragedies he is associated, for example, to the wondrous gushing of wine from the ground and the dripping of honey from the thyrsus (Eur. *Bacch*. 699-707 and 711; Eur. *Phoen*. 229-31; Plut. *Vit. Lys*. 28.4), whilst his cultic processions in Attica as well as elsewhere in Greece were constituted by phallophoriae, the processions of wooden phalloi on poles or large painted phalloi on cart (Hdt. 2.48-9). In its original Theban strand of worship, the cult of Dionysos Lyiaos was characterised by a madness inspired by the divinity, in which followers were liberated by surrendering to the deity. In this experience of *enthousiasmós* (cf. θειασμός/theiasmós, 'inspiration'; ἔνθεος/éntheos, 'possessed by god'), in an inebriated state, the individual was freed from his/her ordinary state to enter a new condition where s/he became one with the god within, which rendered the worshippers of Dionysos free (Otto 1981 and Larson 2007).

Although most of these aspects derive from Euripides' *Bacchae* and it is hard to assess to what extent they have been moulded, if not indeed created, by the successful tragedy (Leinieks 1996), it is interesting to observe that in this play the god is responsible for a variety of forms of liberation: his disguised self from physical imprisonment, Kadmos and Teireisias from old age, the bacchants from thirst and hunger, and men from anxiety and grief. The god also liberates women from the slavery of the household work that the polis has established for them: he frees them from their shuttles and looms, appropriate to slaves, and from taking care of their own children (Eur. *Bacch*. 118; 702; 1236) and enable them to move to the mountain to engage in Dionysiac activities. By doing so, the women reject those roles that the *polis* (the civic community) and their *oikos* (family) had assigned them and they become free (Leiniesk 1996: 316).

Although endowed with a political dimension, this liberty from the oppressor, be it the polis, the family, or the king Pentheus, is fully achieved only when, by virtue of a state of frenzy, the unity with the deity is reached. As Farnell observed long ago, 'in his own nature Dionysos [Lyaios] was not a guiding power of the higher political life; he was not usually recognised as the inspirer of public counsel, nor was any advance in the social organisation, law or morality associated with his religion; his name does not even occur in the formulae of

the state-oath' (1909: 138). However, he was a god of liberty, a liberty that did not depend on the specific constitutional arrangements nor on a set of civic and political rights. As the epithet Lyaios reveals, this cult embodied a notion of liberty as a status reached when a person became one with his/her divine inner self.

The Roman equivalent of this god was Liber. When discussing the deification of great men, in 45 BC Cicero has the Stoic interlocutor Q. Lucilius Balbus distinguish between Liber the son of Semele and Liber 'whom our ancestors solemnly and piously deified with Ceres and Libera, the nature of whose worship can be gathered from the mysteries. Because we call our children *liberi*,' he continues, 'the offspring of Ceres were named Liber and Libera; the sense of 'offspring' has been retained in the case of Libera, but not in that of Liber)' (Cic. *nat. deorum* 2.62).

Although there is no doubt that in the Roman historical tradition the temple of Ceres, Liber and Libera was connected to the political conquests of the plebs, it seems that by the first century BC the triad was mainly perceived as one of earthly fecundity, with Ceres as the prevalent divinity, while simultaneously Liber assumed a more independent role, accentuating his individual traits (Musiał 2007, 47–56). Following ancient etymological research, which enabled to reach the *ratio* of the deities, the ancients stated that the name Liber stems from the action of liberating men from semen in intercourse (Aug. *civ. Dei* 6.9; cf. *civ. Dei* 7.2 = Isid. *Orig*. 8.11.43.). According to them, Liber, in charge of male and liquid seeds, personified the notion of human and agricultural fertility. Considered also the god of wine, he freed the people's tongue, minds, and limbs (Festus, 115L; Fulg. *Myth*. 2.12 p.53,8. For a full discussion of Liber and *libertas* see Arena forthcoming).

His connection with the sphere of agricultural fertility was reflected in his iconographic symbols such as, for example, the thyrsus, the ivy, and the phallus (for a full iconographic catalogue see C. Gasparri, s.v. Dionysos/Bacchus, in *LIMC* 1986; Wyler 2004; Cerchiai 2011). The ivy and phallus also figured prominently in the celebration of the Liberalia, a festival somehow connected to the god Liber (Varro *ling. Lat*. 6.14; Ovid *Fast.* 3. 785–6, Aug. *civ. Dei* 7.21 *Contra* this connection Montanari 1988: 115-22 and Musiał 2013: 95–100). At the Liberalia, the Romans often celebrated the coming of age of their next generation of young men, who could be then enlisted to fight.

During this rite de passage Roman boys abandoned the marks of childhood, the *toga praetexta* (the bordered toga) and the *bulla* (apotropaic locket), and assumed the *toga virilis*

(a plain white toga) to signify the reaching of manhood (Amiotti 1981: 131–40 and Dolansky 2008: 47-70). The ceremony had a twofold dimension: first, at home, the *puer* set aside the *insignia pueritiae*, the *toga praetexta* and the *bulla*, before the Lares of the house to whom they were consecrated and then with family and friends embarked into a public procession through the Forum and up to the Capitol to scarify to Jupiter and Juventas (App. *bc* 4.5.30; Serv. *ad Ecl*. 4.49, D. H. *ant.* 4.15.5).

A marker of a freer life, as Ovid puts it, the donning of the *toga virilis* celebrated the reaching of sexual maturity and the entrance in the civic community (Ovid *Fasti* 3.777-8). With the assumption of the *toga virilis*, the young Roman male citizen gained a sort of personal identity, being allowed to use his praenomen, to recline at banquets, to begin their public political career (*tirocinium fori*), and, most importantly for the commonwealth, to be registered to fight (Varro *GRF* 331; D.H. *ant*. 4.15.5). They probably also gained the right to vote, although the evidence is imprecise; it seems plausible that they gained the franchise when they began fighting in the army next to their father, if they still had one (Gardner 1993: 82). However, it is not clear whether they could start exercising their voting rights as soon as they donned the *toga virilis* or after they had been enlisted.

It follows that in the late Republic the god Liber, whose visual signifiers indicated a semantic range of fertility and abundance, and whose *ratio* the ancients themselves understood as presiding over the liberation of male liquid semen both of men (and animals) and wine (and, more in general, agriculture), attests the presence in Roman intellectual world of a way of conceptualising liberty as realisation of one's full potential, inherent in one's own nature.

This evidence reveals a way of thinking about liberty that differs from the account of *libertas* as absence of domination or dependence from the arbitrary will of someone else, expressed through the visual means of the *pilleus* and embodied in the cult of Jupiter Liber.

By virtue of Liber's intervention, the wine, one of the forms of his liquid seed, loosens up the body and liberates the inner-self from physical constraints, as he frees the tongue from the constraints of inhibiting thoughts and the mind from passions. In the same manner, by Liber's intervention the male semen, the other form of his liquid seed, is released in a sexual union in an act leading to human procreation. In the intellectual world of the late Republic, Liber, therefore, seems to act as the divine personification of a notion of liberty, according to which men are free when they are liberated from the constraints of their own body or

passions, which thereby act as interference agencies, to realise the full potential inherent in their own nature. In this way of thinking about liberty, the emphasis is crucially on an understanding of liberty as becoming. As the festival of the Liberalia and their rite of passage concerning the *toga virilis* seem to suggest, the full realisation of one's natural potential, the reaching of adulthood celebrated both in private before the altar of the Lares, and in public in a procession through the forum up to the Capitolium, seem to indicate that the civic community functioned as the arena within which this nature could be fully enacted. This notion of liberty is not, therefore, conceptually apolitical. It rather emphasises the positive dialectic dimension of liberty: a man is free when he has the power to realise his nature as a civic member of the community. In the first century BC Liber was the personified divine quality of *a* strand of liberty, which consisted in the realisation of one's own nature. In opposition to the idea of *libertas,* which indicated the juridical status of the members of the *civitas,* guaranteed by a matrix of civic and political rights and figuratively represented by the *pilleus,* the hat worn by freed-slaves, this notion of liberty, concerning the realisation of individual's potential as a member of the community, was conceived as self-fulfilment.

Conclusion

Adopting the cults of Zeus Eletuherios, Dionysos Lyaeus, Jupiter Libertas, and Liber as prisms to investigate the notions of liberty in the Graeco-Roman world, this essay tried to bring to the fore the the conceptualisations of liberty as embedded in the historical particulars of these cults. Rather than providing a genealogy of ancient notions of liberty, as this would require a critique of conceptual analysis not traceable in ancient religious contexts, it sketches some of the distinct notions of liberty as they emerged at important historical moments in conversation with democracy.[7]

Out of the experience of slavery, also enacted as a result of the inability to repay one's own debts, the notion of liberty as absence of slavery was first formulated. This notion, which found its most elegant formulation in Roman law, conceived liberty as absence of dependence on the

[7] On genealogy Lane 2012 and Skinner 2012; on the issue of *interpretatio* and cultural translatability of ancient divinities see Assman 1996 and 2008; Ando 2005; Bettini 2016; Burke 2016.

arbitrary will of someone else. This understanding of liberty of the individual provided also the conceptual framework to think about the liberty of the community. Both in Greece and Rome a polity was free when not subjected to the possibility of being dominated by either a foreign power or a domestic individual (or even groups). This status of non-domination enabled the community (as well as the individual) to pursue its own ends. However, classical Greece and Republican Rome differed on the institutional means they considered essential for the community to act at will: while Greek democratic thought emphasised the need of full political participation by all citizens, the prevailing Roman Republican ideology considered the right to vote sufficient to guarantee the liberty of the community.

Alongside these articulations of liberty as absence of arbitrary interference, the cults of the Greek Dionysos Lyaeus and the Roman Liber attest the existence of a different way of thinking about liberty. According to this conceptualisation, one is free from the constraints of the body and passions when s/he has realised one's own essence in unity with the god.

Although this notion of liberty as self-realisation was silent about constitutional arrangements and individual rights, it was not, however, apolitical: it was within the community, in its political dimension that, according to this conceptualisation, citizens could become, thereby they were free.